

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THE HONORABLE MANUEL L. REAL, U.S. DISTRICT JUDGE
PRESIDING

THE UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.) No. CR 05-1017-R
)
ALISON ANN HERUTH,)
)
Defendant.)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

THURSDAY, AUGUST 31, 2006

CHANGE OF PLEA/STATUS

DEBORAH K. GACKLE, CSR, RPR
United States Courthouse
312 North Spring Street, Room 402A
Los Angeles, California 90012
(213) 620-1149

APPEARANCES OF COUNSEL:

For the Plaintiff:

STEPHANIE YONEKURA
ACTING UNITED STATES ATTORNEY
BY: David Willingham
BY: Christine Ewell
ASSISTANT UNITED STATES ATTORNEYS
1400 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

For the Defendant:

Thomas Nishi
Thomas Nishi Law Offices
725 S. Figueroa St., 31st Floor
Los Angeles, CA 90017
213-629-9066
Fax: 213-629-9022
Email: tommy5850@aol.com

ALSO PRESENT: EDWARD ROBINSON, ESQ.

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1 **LOS ANGELES, CALIFORNIA; THURSDAY, AUGUST 31, 2006;**

2 **10:36 A.M.**

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4
5 THE CLERK: Item 1, CR 05-1017-R, USA v. Alison Ann
6 Heruth.

7 Counsel, please state your appearance.

8 MR. WILLINGHAM: Good morning, Your Honor. David
9 Willingham on behalf of the United States. Also present at
10 counsel table is FBI Special Agent Paul Bergman.

11 MR. NISHI: Good morning, Your Honor. Thomas Nishi
12 on behalf of Ms. Heruth, present in court. Also present is
13 Mr. Ed Robinson, standby counsel.

14 THE COURT: Ms. Heruth, I do not accept pleas from
15 people who claim they are not guilty and blame it on to their
16 lawyer. The fact that you did plead guilty and were
17 sentenced -- and I don't want to be in a position to, sometime
18 in the near future, getting a petition from you or habeas
19 corpus that you did not plead voluntarily.

20 And Mr. Nishi has prepared for you a declaration in
21 which you apologized for having pleaded guilty or spoken to the
22 newspapers and claimed your innocence.

23 And so I've had the clerk get a lawyer from the
24 indigent defense panel to represent you, and I understand that
25 you talked to him this morning?

1 THE DEFENDANT: Yes.

2 THE COURT: Is that right?

3 THE DEFENDANT: Yes.

4 THE COURT: And I now want to know whether or not you
5 now wish to withdraw your plea of guilty and go to trial in
6 this matter?

7 THE DEFENDANT: No.

8 THE COURT: Well, tell me, then, why you professed
9 innocence to the newspapers.

10 THE DEFENDANT: Your Honor, life isn't black and
11 white, and I do have things that have been inside of me and
12 wanting to explain, and I'm not the monster I was made out to
13 be; and I accepted a plea bargain, and I need to act
14 responsibly and take responsibility for that. And I apologize
15 for whatever I did to the press. I would ask that you would
16 accept that and continue on with my probation.

17 THE COURT: The question I have is are you persisting
18 in your own claim of not being guilty?

19 THE DEFENDANT: Yep.

20 THE COURT: You are?

21 THE DEFENDANT: Yes, sir.

22 THE CLERK: I'm sorry?

23 THE DEFENDANT: What are you asking me, one more
24 time, please?

25 THE COURT: Whether or not you are persisting in your

1 claim that you are not guilty of the crime with which you
2 pleaded guilty before me.

3 MR. ROBINSON: May I speak with Ms. Heruth for a
4 moment?

5 THE COURT: Certainly, Mr. Robinson.

6 MR. ROBINSON: Thank you.

7 (Pause in the proceedings)

8 THE DEFENDANT: No.

9 THE COURT: I beg your pardon?

10 THE CLERK: No, I do not want to continue.

11 THE COURT: You understand, Ms. Heruth, that had you
12 pleaded guilty and we had a colloquy to accept your plea of
13 guilty, it was free and voluntary, that you were then under
14 oath.

15 Did you understand that?

16 THE DEFENDANT: Yes, I do, Your Honor.

17 THE COURT: That your claim you were not guilty, that
18 you were forced to do that, is actually a perjury for which you
19 could be prosecuted.

20 Do you understand that?

21 THE DEFENDANT: I do.

22 THE COURT: I have officially now appointed
23 Mr. Robinson as your lawyer for the purposes of this hearing
24 and for whatever matters you may want to take up in connection
25 with this hearing.

1 And I am now going to ask you again whether or not
2 you were guilty of the offense with which you were charged in
3 this court?

4 THE DEFENDANT: Yes, I was.

5 THE COURT: I peg your pardon?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. The defendant will be
8 continued on the sentence that's heretofore been imposed upon
9 her so we have it clear.

10 Mr. Robinson, you are appointed as her lawyer. You
11 may advise her on anything that you wish to advise her on.

12 Mr. Nishi has asked to be relieved of his
13 representation of Ms. Heruth, and I grant that motion.

14 MR. WILLINGHAM: Thank you, Your Honor.

15 (Proceedings concluded at 10:40 a.m.)

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C E R T I F I C A T E

I hereby certify that pursuant to Section 753,
Title 18, United States Code, the foregoing is a true and
correct transcript of the stenographically reported proceedings
held in the above-entitled matter and that the transcript page
format is in conformance with the regulations of the Judicial
Conference of the United States.

Date: July 27, 2016

/s/ _____

Deborah K. Gackle
CSR No. 7106

{PLAINTIFF} v.
{DEFENDANT}

{WITNESSNAME}
{DATE}

MR. NISHI: [1] 3/10 MR. ROBINSON: [2] 5/2 5/5 MR. WILLINGHAM: [2] 3/7 6/13 THE CLERK: [3] 3/3 4/21 5/9 THE COURT: [14] THE DEFENDANT: [12] / /S [1] 7/12 0 05-1017-R [2] 1/10 3/5 1 10:36 A.M [1] 3/2 10:40 [1] 6/15 1149 [1] 1/25 1400 [1] 2/8 18 [1] 7/4 2 2006 [2] 1/18 3/1 2016 [1] 7/10 213 [1] 1/25 213-629-9022 [1] 2/16 213-629-9066 [1] 2/16 27 [1] 7/10 3 31 [2] 1/18 3/1 312 [2] 1/24 2/9 31st [1] 2/15 4 402A [1] 1/24 6 620-1149 [1] 1/25 7 7106 [1] 7/13 725 [1] 2/15 753 [1] 7/3 9 90012 [2] 1/24 2/9 90017 [1] 2/15 9022 [1] 2/16 9066 [1] 2/16 A a.m [2] 3/2 6/15 above [1] 7/6 above-entitled [1] 7/6 accept [3] 3/14 4/16 5/12 accepted [1] 4/13	act [1] 4/13 ACTING [1] 2/6 actually [1] 5/18 advise [2] 6/11 6/11 again [1] 6/1 Agent [1] 3/10 ALISON [2] 1/11 3/5 All [1] 6/7 ALSO [3] 2/19 3/9 3/12 am [1] 6/1 AMERICA [1] 1/8 ANGELES [5] 1/17 1/24 2/9 2/15 3/1 ANN [2] 1/11 3/5 anything [1] 6/11 aol.com [1] 2/17 apologize [1] 4/14 apologized [1] 3/21 appearance [1] 3/7 APPEARANCES [1] 2/1 appointed [2] 5/22 6/10 are [7] 3/15 4/17 4/20 4/23 4/25 5/1 6/10 as [2] 5/23 6/10 ask [2] 4/15 6/1 asked [1] 6/12 asking [1] 4/23 ASSISTANT [1] 2/8 at [2] 3/9 6/15 ATTORNEY [1] 2/6 ATTORNEYS [1] 2/8 AUGUST [2] 1/18 3/1 B bargain [1] 4/13 beg [1] 5/9 behalf [2] 3/9 3/12 Bergman [1] 3/10 black [1] 4/10 blame [1] 3/15 C CA [1] 2/15 CALIFORNIA [5] 1/2 1/17 1/24 2/9 3/1 CENTRAL [1] 1/2 Certainly [1] 5/5 certify [1] 7/3 CHANGE [1] 1/20 charged [1] 6/2 Christine [1] 2/7 claim [4] 3/15 4/18 5/1 5/17 claimed [1] 3/22 clear [1] 6/9 clerk [1] 3/23 Code [1] 7/4 colloquy [1] 5/12 concluded [1] 6/15	Conference [1] 7/8 conformance [1] 7/7 connection [1] 5/24 continue [2] 4/16 5/10 continued [1] 6/8 corpus [1] 3/19 correct [1] 7/5 could [1] 5/19 counsel [4] 2/1 3/7 3/10 3/13 court [3] 1/1 3/12 6/3 Courthouse [2] 1/23 2/8 CR [2] 1/10 3/5 crime [1] 5/1 CSR [2] 1/23 7/13 D Date [1] 7/10 David [2] 2/7 3/8 DEBORAH [2] 1/23 7/13 declaration [1] 3/20 defense [1] 3/24 did [4] 3/16 3/19 4/15 5/15 DISTRICT [3] 1/1 1/2 1/5 do [7] 3/14 4/11 5/10 5/16 5/18 5/20 5/21 don't [1] 3/17 E Ed [1] 3/13 EDWARD [1] 2/19 Email [1] 2/17 entitled [1] 7/6 ESQ [1] 2/19 Ewell [1] 2/7 explain [1] 4/12 F fact [1] 3/16 Fax [1] 2/16 FBI [1] 3/10 Figueroa [1] 2/15 Floor [1] 2/15 forced [1] 5/18 foregoing [1] 7/4 format [1] 7/7 free [1] 5/13 future [1] 3/18 G GACKLE [2] 1/23 7/13 get [1] 3/23 getting [1] 3/18 Good [2] 3/8 3/11 grant [1] 6/13 guilty [11]	H habeas [1] 3/18 had [3] 3/23 5/11 5/12 has [2] 3/20 6/12 have [5] 4/11 4/11 4/17 5/22 6/9 having [1] 3/21 hearing [2] 5/23 5/25 held [1] 7/6 hereby [1] 7/3 heretofore [1] 6/8 HERUTH [7] 1/11 3/6 3/12 3/14 5/3 5/11 6/13 his [1] 6/12 Honor [5] 3/8 3/11 4/10 5/16 6/14 HONORABLE [1] 1/5 I I'm [2] 4/12 4/22 I've [1] 3/23 imposed [1] 6/8 in [12] indigent [1] 3/24 innocence [2] 3/22 4/9 inside [1] 4/11 it [3] 3/15 5/13 6/9 Item [1] 3/5 J JUDGE [1] 1/5 Judicial [1] 7/7 July [1] 7/10 K know [1] 4/4 L Law [1] 2/14 lawyer [4] 3/16 3/23 5/23 6/10 life [1] 4/10 LOS [5] 1/17 1/24 2/9 2/15 3/1 M made [1] 4/12 MANUEL [1] 1/5 matter [2] 4/6 7/6 matters [1] 5/24 may [3] 5/3 5/24 6/11 me [4] 4/8 4/11 4/23 5/2 moment [1] 5/4 monster [1] 4/12 morning [3] 3/8 3/11 3/25 motion [1] 6/13 Mr [1] 5/5 Mr. [5] 3/13 3/20 5/23	6/10 6/12 Mr. Ed [1] 3/13 Mr. Nishi [2] 3/20 6/12 Mr. Robinson [2] 5/23 6/10 Ms. [5] 3/12 3/14 5/3 5/11 6/13 Ms. Heruth [5] 3/12 3/14 5/3 5/11 6/13 N near [1] 3/18 need [1] 4/13 newspapers [2] 3/22 4/9 Nishi [5] 2/14 2/14 3/11 3/20 6/12 North [2] 1/24 2/9 not [11] O oath [1] 5/14 offense [1] 6/2 Offices [1] 2/14 officially [1] 5/22 one [1] 4/23 out [1] 4/12 own [1] 4/18 P page [1] 7/6 panel [1] 3/24 pardon [2] 5/9 6/5 Paul [1] 3/10 Pause [1] 5/7 peg [1] 6/5 people [1] 3/15 perjury [1] 5/18 persisting [2] 4/17 4/25 petition [1] 3/18 plea [4] 1/20 4/5 4/13 5/12 PLEA/STATUS [1] 1/20 plead [2] 3/16 3/19 pleaded [3] 3/21 5/2 5/12 pleas [1] 3/14 please [2] 3/7 4/24 position [1] 3/17 prepared [1] 3/20 present [4] 2/19 3/9 3/12 3/12 PRESIDING [1] 1/6 press [1] 4/15 probation [1] 4/16 proceedings [4] 1/16 5/7 6/15 7/5 professed [1] 4/8 prosecuted [1] 5/19 purposes [1] 5/23
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{PLAINTIFF} v.
{DEFENDANT}{WITNESSNAME}
{DATE}

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